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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,849	03/21/2001	Yusuke Hayashi	826.1704	1438

21171 7590 11/03/2004

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,849

Applicant(s)

HAYASHI, YUSUKE

Examiner

Joshua D Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 08/06/2004.
2. Claims 1-15 are pending in this case. Claims 1, 2, 5, 7, 8, 11, 12, 13, 14, and 15 are independent claims. Claims 1-15 have been amended.
3. The rejection of claims 1-15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn in view of amendments. The amendments have distinctly claimed the subject matter, which the applicant regards as the invention, thus narrowing the scope of the claims.
4. The rejection of claims 1-15 under 35 U.S.C. 103(a) as being unpatentable over Herz in view of Kent has been withdrawn in view of amendments.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 5, 6, 8, 10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nehab et al. (hereinafter Nehab, US Patent Number 6,029,182, issued on February 22, 2000).

Regarding independent claims 5 and 8, Nehab discloses a method in which a request is received from an information service, based on a user profile, which is responded to by providing information and the way it is handled in the information source (column 6, lines 30-57 of Nehab). At this point, a user profile designates which information is to be used according to layout information (column 2, lines 25-65 of Nehab). The information is then distributed to the user (column 9, lines 4-46 of Nehab). Nehab discloses that the user must create the profile by designating preferences to filter information and specify web sites to get information from (column 7, lines 23-49 and column 9 lines 4-46 of Nehab).

Regarding dependent claims 6 and 10, Nehab discloses a method in which the information indicates the position (i.e. section and heading) of the information in the information source (column 1, lines 5-35 and column 2, lines 25-50 of Nehab).

Regarding dependent claim 12, Nehab discloses a method in which a request is received from an information service, based on a user profile, which is responded to by providing information and the way it is handled in the information source (column 6, lines 30-57 of Nehab). At this point, a user profile designates which information is to be used according to layout information (column 2, lines 25-65 of Nehab). The information is then distributed to the user (column 9, lines 4-46 of Nehab). Nehab discloses that the user must create the profile by designating preferences to filter information and specify

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web sites to get information from (column 7, lines 23-49 and column 9 lines 4-46 of Nehab).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-4, 7, 9, 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nehab et al. (hereinafter Nehab, US Patent Number 6,029,182, issued on February 22, 2000).

Regarding independent claim 1, Nehab discloses a method in which a request is received from an information service, based on a user profile, which is responded to by providing information and the way it is handled in the information source (column 6, lines 30-57 of Nehab). At this point, a user profile designates which information is to be used according to layout information (column 2, lines 25-65 of Nehab). The information is then distributed to the user (column 9, lines 4-46 of Nehab). Nehab does not disclose a method in which the user directly makes the request and designates the information to be used. However, Nehab does disclose the user must create the profile by designating preferences to filter information and specify web sites to get information from (column 7, lines 23-49 and column 9 lines 4-46 of Nehab). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of Nehab with the ability of allowing the user to make the requests directly

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because the use of a user profile was a well-known substitute for automatically making decisions (i.e. requests) for the user to save time.

Regarding independent claim 2, Nehab discloses a method in which preferences of a user that corresponds to required information are stored (column 7, lines 23-49 and column 9 lines 4-46 of Nehab). Nehab discloses a method in which a request is received from an information service, based on a user profile, which is responded to by providing information and the way it is handled in the information source (column 6, lines 30-57 of Nehab). At this point, a user profile designates which information is to be used according to layout information (column 2, lines 25-65 of Nehab). The information is then distributed to the user (column 9, lines 4-46 of Nehab). Nehab does not disclose a method in which the user directly makes the request and designates the information to be used. However, Nehab does disclose the user must create the profile by designating preferences to filter information and specify web sites to get information from (column 7, lines 23-49 and column 9 lines 4-46 of Nehab). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of Nehab with the ability of allowing the user to make the requests directly because the use of a user profile was a well-known substitute for automatically making decisions (i.e. requests) for the user to save time.

Regarding dependent claims 3 and 4, Nehab discloses a method in which the information indicates the position (i.e. section and heading) of the information in the information source (column 1, lines 5-35 and column 2, lines 25-50 of Nehab).

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Regarding independent claim 7, the claim incorporates substantially similar subject matter as claim 1. Thus, the claim is rejected along the same rationale as claim 1.

Regarding dependent claims 6, 9, and 10, the claims incorporate substantially similar subject matter as claim 3. Thus, the claims are rejected along the same rationale as claim 3.

Regarding independent claim 11, Nehab discloses a method in which a request is received from an information service, based on a user profile, which is responded to by providing information and the way it is handled in the information source (column 6, lines 30-57 of Nehab). At this point, a user profile designates which information is to be used according to layout information (column 2, lines 25-65 of Nehab). The information is then distributed to the user (column 9, lines 4-46 of Nehab). Nehab does not disclose a method in which the user directly makes the request and designates the information to be used. However, Nehab does disclose the user must create the profile by designating preferences to filter information and specify web sites to get information from (column 7, lines 23-49 and column 9 lines 4-46 of Nehab). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of Nehab with the ability of allowing the user to make the requests directly because the use of a user profile was a well-known substitute for automatically making decisions (i.e. requests) for the user to save time.

Regarding independent claim 13, Nehab discloses a method in which information are broken down into pieces which indication how the information is handled

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in the information source (i.e. section, heading, etc.) (Figure 3A-3C of Nehab). Nehab discloses a method in which a request is received from an information service, based on a user profile, which is responded to by providing information and the way it is handled in the information source (column 6, lines 30-57 of Nehab). At this point, a user profile designates which information is to be used according to layout information (column 2, lines 25-65 of Nehab). The information is then distributed to the user (column 9, lines 4-46 of Nehab). Nehab does not disclose a method in which the user directly makes the request and designates the information to be used. However, Nehab does disclose the user must create the profile by designating preferences to filter information and specify web sites to get information from (column 7, lines 23-49 and column 9 lines 4-46 of Nehab). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of Nehab with the ability of allowing the user to make the requests directly because the use of a user profile was a well-known substitute for automatically making decisions (i.e. requests) for the user to save time.

Regarding independent claim 14, the claim incorporates substantially similar subject matter as claim 11. Thus, the claim is rejected along the same rationale as claim 11.

Regarding independent claim 15, the claim incorporates substantially similar subject matter as claim 12. Thus, the claim is rejected along the same rationale as claim 12.

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Response to Arguments

9. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

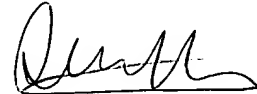
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
October 29, 2004



STEPHEN S. HONG
PRIMARY EXAMINER